

REMARKS

This Application has been carefully reviewed in light of the Decision on Appeal dated September 24, 2007. Claims 1-14 are currently pending in this Application. In order to advance prosecution of this Application, Claims 1 and 9 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bauman, et al. in view of Trull. Independent Claim 1 recites ". . . evaluating each entry with respect to a cache to determine whether a hit, miss, or victim cache state is applied to each entry; storing an appropriate cache state in each entry; associating each entry after placement in the queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria; determining which particular one of the plurality of groups to service based on the transaction parameter criteria; servicing a particular entry in the particular one of the plurality of groups based on servicing criteria and its associated cache state" By contrast, neither the Bauman, et al. patent or the Trull patent evaluate each entry with respect to a cache, store a cache state in the entry, and service entries using the cache state as provided in the claimed invention. Support for the above recitation can be found at page 14, lines 5-17, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-3 and 5-7 are patentably distinct from the proposed Bauman, et al. - Trull combination.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bauman, et al. in view of Trull and further in view of Garcia, et al. Independent Claim 1, from which Claim 4 depends, has been shown above to be patentably

distinct from the proposed Bauman, et al. - Trull combination. Moreover, the Garcia patent does not include any additional disclosure combinable with the Bauman, et al. or Trull patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 4 is patentably distinct from the proposed Bauman, et al. - Trull - Garcia, et al. combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bauman, et al. in view of Trull and further in view of In re Yount. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the proposed Bauman, et al. - Trull combination. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Bauman, et al. - Trull - In re Yount combination.

Claims 9-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Bauman, et al. and further in view of Trull. Independent Claim 9 recites ". . . evaluating each entry with respect to a cache to determine whether a hit, miss, or victim cache state is applied to each entry; storing an appropriate cache state in each entry; associating entries after placement in the arbitration queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria; determining which particular one of the plurality of groups to service based on the transaction parameter criteria; servicing a particular entry of the particular one of the plurality of groups based on its associated cache state. . . ." By contrast, as discussed above, the Bauman, et al. and Trull patents fail to disclose a capability to evaluate each entry with respect to a cache, store a cache state in the entry, and service entries using the cache state as provided in the

claimed invention. Moreover, the Meyers, et al. patent does not include any additional disclosure combinable with the Bauman, et al. or Trull patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 9-14 are patentably distinct from the proposed Meyers, et al. - Bauman, et al. - Trull combination.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Bauman, et al. and Trull and further in view of In re Yount. Independent Claim 9, from which Claim 15 depends, has been shown above to be patentably distinct from the proposed Meyers, et al. - Bauman, et al. - Trull combination. Therefore, Applicant respectfully submits that Claim 15 is patentably distinct from the proposed Meyers, et al. - Bauman, et al. - Trull - In re Yount combination.

The Commissioner is hereby authorized to charge an amount of \$810.00 to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. to satisfy the Request for Continued Examination fee of 37 C.F.R. §1.17(e).

CONCLUSION

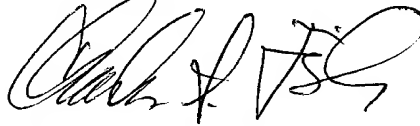
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees and/or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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